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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,219	12/30/2003	Ki-Chang Kim	11038-119-999	1485
24341	7590	06/29/2006	EXAMINER	
MORGAN, LEWIS & BOCKIUS, LLP. 2 PALO ALTO SQUARE 3000 EL CAMINO REAL PALO ALTO, CA 94306			SLITERIS, JOSELYNN Y	
			ART UNIT	PAPER NUMBER
				3616

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/749,219	KIM, KI-CHANG	
	Examiner Joselynn Y. Sliteris	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 4/21/06 (Election).
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
  - 4a) Of the above claim(s) 4,5,7 and 11 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,6 and 8-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04072006; 12302003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

***Election/Restrictions***

1. Applicant's election of Group I, Figs. 1-4 in the reply filed on 4/21/06 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 4, 5, 7, and 11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/21/06.

***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "bolt hole of said wheel housing cover is T-shaped" in claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: in claim 6, "said bolt hole of said wheel housing cover is T-shaped".

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Regarding claim 6, "said bolt hole of said wheel housing cover is T-shaped" is unclear as it is not shown in the drawings nor disclosed in the specification. Therefore, claim 6 is rendered indefinite.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 2, 6, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitsuaki (JP 10-273073), as cited by applicant.

10. Regarding claims 1, 2, and 6, Mitsuaki discloses an upper mounting structure of a rear strut assembly (Figs. 1-3) as in the present invention comprising:

a rear wheel housing inner panel 1 coupled by welding to a rear floor panel 7 and a quarter inner panel respectively;

a wheel housing cover 23 provided with a guide hole 37 and bolt holes 33a, 33b and coupled by welding to said rear wheel housing inner panel so as to form a polygonal section with said rear wheel housing inner panel; and

a reinforcing bracket 25 and a welding nut 63, 65 mounted by welding on said wheel housing cover to couple with said bolt holes;

wherein said wheel housing cover is bent in a stair form and installed to face the inner side of a bent portion of said rear wheel housing inner panel and to form a polygonal section between said bent portion and said wheel housing cover;

wherein said welding nut successively passing through said reinforcing bracket, and said bolt hole of said wheel housing cover is T-shaped.

11. Regarding claims 8 and 9, Mitsuaki discloses an upper mounting structure of a rear strut assembly (Figs. 1-3) as in the present invention comprising:

a rear wheel housing inner panel 1 coupled to a rear floor panel 7 and coupled to a quarter inner panel;

a wheel housing cover 23 coupled to said rear wheel housing inner panel so as to form a polygonal section with said rear wheel housing inner panel; and

a reinforcing bracket 25 coupled on said wheel housing cover;

wherein said wheel housing cover is configured and dimensioned to mate an inner side of said rear wheel housing inner panel and to form a polygonal section.

12. Claims 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Rezanka et al. (U.S. Patent 4,531,759).

13. Regarding claims 8 and 10, Rezanka discloses an upper mounting structure of a rear strut assembly (Figs. 1-2) as in the present invention comprising:

a rear wheel housing inner panel 10 coupled to a rear floor panel and coupled to a quarter inner panel;

a wheel housing cover 78 coupled to said rear wheel housing inner panel so as to form a polygonal section with said rear wheel housing inner panel; and

a reinforcing bracket 52 coupled on said wheel housing cover;

wherein said reinforcing bracket is configured and dimensioned as a triangular plate and is designed to couple with said wheel housing cover (Fig. 1).

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsuaki (JP 10-273073), as cited by applicant.

16. Regarding claims 3 and 10, Mitsuaki discloses the claimed invention except for the reinforcing bracket taking a form of a triangular plate. It would have been an obvious matter of design choice to form the reinforcing bracket of a triangular plate, since it represents an obvious change in shape in the components, considered to be within the level of ordinary skill in the art. In re Dailey et al., 149 USPQ 47. Further, applicant points out in his own application that the reinforcing bracket may be formed in other various shapes to increase the rigidity of the wheel housing cover.

***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joselynn Y. Sliteris whose telephone number is 571-272-6675. The examiner can normally be reached on Mon, Tues & Thurs 8:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Joselynn Y. Sliteris  
Patent Examiner  
Art Unit 3616  
6/27/06

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